



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

UNITED STATES OF AMERICA

V.

JEROME DEION CUTWRIGHT

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§
§

CASE NO. 9:05-CR-19

**MEMORANDUM ORDER ADOPTING
FINDINGS OF FACT AND RECOMMENDATION ON MOTION TO SUPPRESS**

Pending before the Court is *Defendant's Motion to Suppress* [Clerk's doc. #28]. The Court referred the motion to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for hearing and consideration pursuant to 28 U.S.C. § 636(b)(1)(A) and the Local Rules for the United States District Court for the Eastern District of Texas.

Having conducted the proceedings in the form and manner prescribed by the Federal Rules of Criminal Procedure, the magistrate judge issued his *Findings of Fact and Recommendation on Motion to Suppress* [Clerk's doc. #45]. Judge Giblin recommended that the Court deny *Defendant's Motion to Suppress*.

After the Court granted him an extension to do so, Defendant filed objections to the magistrate judge's recommendation. *See Defendant's Objections to the Findings of Fact and Recommendations of the Magistrate Judge*. In the *Objections*, Defendant specifically objects to the

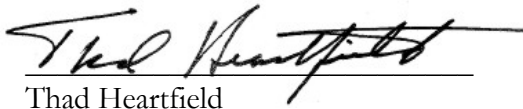
magistrate's findings (1) that the officers in this case were entitled to good faith reliance on the search warrant at issue and, relatedly, (2) that probable cause existed to support the search warrant.

See Objections.

Pursuant to Defendant's request and in accordance with 28 U.S.C. § 636(b)(1), the Court conducted a *de novo* review of the magistrate's findings, the record, the relevant evidence, Defendant's specific objections, and the applicable law in this proceeding. After review, the Court is of the opinion that the *Findings of Fact and Recommendation* should be accepted. Defendant's objections are overruled.

Accordingly, Judge Giblin's *Findings of Fact and Recommendation on Motion to Suppress* [Clerk's doc. #45] are **ADOPTED** by the Court. The factual findings and legal conclusions of the magistrate are therefore fully incorporated by the undersigned in support of this order. The Court **ORDERS** that *Defendant's Motion to Suppress* [Clerk's doc. #28] is **DENIED**.

SIGNED this the **10** day of **March, 2006**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", is written over a horizontal line.

Thad Heartfield
United States District Judge